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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**DECLARATION OF JAMES COMSTOCK
IN SUPPORT OF PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION AGAINST DEFENDANTS
U.S. DEPARTMENT OF HOMELAND
SECURITY AND U.S. MARSHALS
SERVICE**

I, James Comstock, declare:

1. I am an Oregon resident who lives in Tigard, Oregon. I have worked in the judicial system since 1995 and have been a licensed private investigator for 9 ½ years. I currently work primarily as a defense investigator, often for appointed counsel in Federal criminal matters in the District of Oregon through the CJA panel. I trained as a legal observer with the National Lawyers Guild after the temporary restraining order took effect in this case and have attended the protests numerous times as an NLG legal observer. If called as a witness, I could, and would, testify competently to the facts below.

2. I attended the protests on July 19, 2020, in my capacity as a legal observer. I was wearing a green, NLG-issued hat. I did not touch the fence or throw anything. I did not protest or demonstrate.

3. A few minutes before midnight, I was in the park area observing the area in front of the Hatfield Courthouse. As soon as I saw protesters had pushed the fence surrounding the courthouse over, I expected that federal agents were going to come out and tear gas everyone. Because I did not want to get tear gassed, I put on my gas mask and moved up Main St. to the west, to the opposite side of 4th Ave, to get away from the area. I later reviewed the distance, and noted that the place where I was standing is approximately 375 feet away from the front door of the Hatfield Courthouse.

4. On the sidewalk at the south west corner of the intersection of SW 4th Ave and SW Main St., I saw a member of the media and went to speak with him. He was documenting the protests when the federal agents apparently hit his camera lens with some type of munition. He was very upset. Once I was done talking, I stood against the wall of the Portland Building alone and was making notes on my phone.

5. Suddenly, without warning or reason, a federal agent shot me in the very hand with which I was writing on my phone. It hurt extremely bad. The following is a true and correct copy of a photograph of my swollen right hand, taken when I arrived at my home:



6. I was wearing my unmistakable, green NLG hat. I was standing alone against the wall and there were no protesters around me that the agent might have been aiming at. I was at least 6 feet away from the reporter I had just talked to, and nowhere near any other crowds.

7. Around twenty minutes later, a protestor pointed out that I was bleeding from my leg. I was not cut before being shot and did not fall or injure my leg that I am aware of after being shot. I think I may have been cut by shrapnel from the munitions fired at me when I was shot.

8. I would like to continue attending and observing the protests as I believe it is a very noble and necessary thing. I am fearful, however, that federal agents will continue to target me and possibly injure me even more severely than they did on the night of July 19.

9. As a criminal defense investigator, local jails will cut off my access and ability to see and speak with my clients if I am arrested. Because of this I am very concerned of being wrongly arrested, especially in light of reports about plainclothes officers snatching civilians off the streets of Portland in unmarked cars.

10. One the night of July 19th and the early morning of July 20th, it seemed to me that the federal agents were specifically targeting legal observers.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 21, 2020



James Comstock